



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1251-00

2 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 18 October 1990 at age 20. The record shows that you received nonjudicial punishment on three occasions. Your offenses were two short periods of unauthorized absence, two instances of disobedience, dereliction of duty and sleeping on watch.

Based on the foregoing record of misconduct you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 3 March 1992 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 10 March 1992. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In 1994 the Naval Discharge Review Board noted the relatively minor nature of your offenses. and the post service diagnosis of attention deficit hyperactivity disorder, which indicated that you had a tendency to overreact to stressful situations, and you

were unfit for service. The NDRB directed that your discharged be recharacterized to honorable by reason of "Secretarial Plenary Authority".

In your application, you request a change in the reenlistment code so that you can reenlist in the Navy. You contend, in effect, that the action taken by the NDRB shows here were mitigating factors in your case. However, the Board noted that the action taken by the NDRB does not change the fact that you received three nonjudicial punishments in your short period of service. The Board concluded that a record of three nonjudicial punishments was sufficient to support the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director